

REMARKS

Claims 24 – 41 have been examined. Claims 24 – 41 stand rejected under the first paragraph of 35 U.S.C. 112 as not being enabled by the specification; and Claim 24 stands rejected under the doctrine of obviousness-type double patenting as unpatentable over Claim 1 of U.S. Pat. No. 6,628,809.

Applicants appreciate the statement in the Office Action that all claims would be in condition for allowance upon resolution of the §112 and double-patenting issues. Independent Claims 24 and 33 have been amended in strict conformance with the suggestion in the Office Action. Further, a terminal disclaimer is being filed concurrently herewith disclaiming any term that would extend beyond the term of U.S. Pat. No. 6,628,809. It is thus believed that all issues raised in the Office Action have been resolved and that the application is in condition for allowance.

For completeness, the following comments are additionally offered regarding the comparison of Claim 24 with Claim 1 of U.S. Pat. No. 6,628,809. The Office Action sometimes remarks that “the patent [No. 6,628,809] anticipates the claimed invention” (Office Action, p. 3). It is noted that the current application is a continuation of U.S. Pat. No. 6,628,809 so that it is axiomatic that valid claims would be anticipated by the disclosure of its parent, except that the parent is not prior art. Even so, amended Claim 24 is not coextensive in scope with Claim 1 of the parent. For example, Applicants respectfully disagree with the assertion in the Office Action that “ ‘positively verifying’ ... is in no way different from the ‘identifying’ called for in the claim” (*id.*, p. 3). Distinctions between such terms are noted in the Application at, *e.g.*, p. 6, ll. 8 – 19. Other differences in scope also exist between amended Claim 24 of the current application and Claim 1 of the parent, as apparently acknowledged in the Office Action (*id.*, p. 3, ll. 6 – 7).

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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